UNITED
NATIONS

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Economic and Social
Council

Distr.
LIMITED

E/CN.4/1998/L.104
20 April 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Senegal (on behalf of the African Group): draft resolution

1998/... Situation of human rights in Equatorial Guinea and assistance in the field of human rights

The Commission on Human Rights,

Recalling its resolution 1997/67 of 16 April 1997,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all States have the obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Considering that, since the adoption by the Economic and Social Council of its decision 1993/277 of 28 July 1993 and the appointment of Mr. Alejandro Artucio as Special Rapporteur of the Commission on Human Rights, the Government of Equatorial Guinea has benefited from the advisory services of the Office of the High Commissioner for Human Rights, and that the Special Rapporteur has again observed progress in the field of human rights and fundamental freedoms in his reports (E/CN.4/1996/67 and Add.1, E/CN.4/1997/54 and Add.1 and E/CN.4/1998/73 and Add.1),

Taking note of the observation of the Special Rapporteur contained in his report that Equatorial Guinea is party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols thereto, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, and his observations that there exists political will on the part of the authorities and that the efforts made in this regard have led to progress in the situation of human rights and fundamental freedoms,

Considering that the Government of Equatorial Guinea has taken steps to promote and protect human rights and fundamental freedoms, and that such action constitutes a priority in its programme of good governance,

Noting with concern the continuing existence of deficiencies and conditions that lead to violations and abuses of human rights, including cases of prolonged incommunicado detentions,

Noting with satisfaction that in February 1997 the Government of Equatorial Guinea and the opposition political parties resumed the political dialogue revising the National Pact signed in 1993, and that the results of these negotiations were to the satisfaction of all parties,

Noting that legislative elections are to be held in 1998,

1. Expresses its thanks to the Special Rapporteur for his report (E/CN.4/1998/73 and Add.1) and welcomes the report and the atmosphere of understanding, assistance and cordiality which the authorities of Equatorial Guinea provided him during his mission;

2. Expresses its appreciation of the efforts of the Government of Equatorial Guinea in welcoming the advisory services and technical assistance of the Office of the High Commissioner for Human Rights, which has led to progress in the field of human rights and fundamental freedoms in Equatorial Guinea;

3. Expresses its satisfaction for the efforts of the Government and the political parties of Equatorial Guinea in continuing the political dialogue and the revision of the National Pact, as well as for the effective realization and observation of the agreements relating to the National Pact, and encourages both the Government and the opposition to proceed to their prompt implementation;

4. Welcomes the first National Economic Conference held in Bata from 8 to 13 September 1997 at the initiative of the Government of Equatorial Guinea with the participation of all the political forces and the national and international economic actors, and takes note of the positive results of the Conference, which adopted a better and more transparent administrative and economic programme for national development;

5. Encourages the Government of Equatorial Guinea to pursue the efforts which it has already undertaken to effectively integrate women into the process of the socio-economic, cultural and political development of the country;

6. Also encourages the Government of Equatorial Guinea to promote the necessary conditions so that everyone should enjoy full economic, social and cultural rights;

7. Calls upon the Government of Equatorial Guinea to take the appropriate measures so as to avoid any form of discrimination against ethnic groups;

8. Invites Equatorial Guinea to become a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the International Convention on the Elimination of All Forms of Racial Discrimination;

9. Encourages the Government of Equatorial Guinea to continue its efforts to promote and protect human rights and fundamental freedoms as contained in its programme of priorities in the fields of democracy, human rights and governance presented in 1997, and in particular to:

(a) Pursue its efforts at improving both the functioning of the judiciary and the training of judges, prosecutors and lawyers in order to ensure the proper, guaranteed and effective administration of justice and strictly limit military courts to trying military offences committed by military personnel;

(b) Publish regularly laws, decrees and other governmental acts;

(c) Reiterate its instructions to the forces of law and order not to order or make arbitrary arrests and to respect the right of individuals to security, physical integrity and freedom;

(d) Take the necessary measures to avoid acts of torture and cruel, inhuman or degrading treatment or punishment;

(e) Continue its efforts to investigate and impose criminal and disciplinary penalties on those responsible for the violation of human rights;

10. Welcomes the improvements in the conditions of prisoners and detainees introduced by the competent authorities, and requests that these efforts continue in accordance with the recommendations of the Special Rapporteur;

11. Calls upon the Government of Equatorial Guinea to adopt the necessary measures to guarantee transparency and respect for the electoral process in the legislative elections to be held in 1998, with a view to facilitating the free participation of political parties, and calls upon all parties to continue to contribute to the progress of the democratic process;

12. Requests the High Commissioner for Human Rights to provide technical assistance in order to support the initiative and efforts of the Government of Equatorial Guinea to establish the Centre for the Promotion of Human Rights and Democracy, which was recently legalized by the Government to strengthen the national capacities in this field, and calls upon the international community to make voluntary contributions to the relevant fund;

13. Also requests the High Commissioner for Human Rights and the Special Rapporteur to continue the technical assistance programme in partnership with the Government of Equatorial Guinea and in cooperation with the United Nations Development Programme and other United Nations agencies working in the field of human rights;

14. Decides to renew the mandate of the Special Rapporteur for one year;

15. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the discharge of his mandate;

16. Requests the Special Rapporteur to submit to the Commission at its fifty-fifth session a report stressing, in particular, recommendations on technical assistance needs of Equatorial Guinea in the fields of human rights and democracy;

17. Decides to consider the question at its fifty-fifth session;

18. **Recommends** the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/... of .. April 1998, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Equatorial Guinea for one year and the Commission's request to the Special Rapporteur to submit to the Commission at its fifty-fifth session a report stressing, in particular, recommendations on technical assistance needs of Equatorial Guinea in the field of human rights and democracy. The Council requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the discharge of his mandate."